

### **REMARKS/DISCUSSION OF ISSUES**

In response to the Restriction Requirement of 13 July 2007, Applicants elect Group I including claims 1, 2, 4-5, and 7-21. The election is **with traverse**.

At the outset, Applicants notes that claim 6 specifically recites that the transponder "**was manufactured using a method as claimed in claim 1.**" So, Applicants cannot understand the statement in the Office Action that: "*In the instant case the device claimed can be produced by another materially different process including coating and etching instead of bonding.*" Respectfully, how can a device which is specifically recited as having been made by the process of claim 1, somehow **not** be made by the process of claim 1, but instead by "*another materially different process???*" Applicants respectfully submit that it can't. Therefore, the groups are not considered to be independent or distinct. Accordingly, the Restriction Requirement is deemed to be improper.

Furthermore, M.P.E.P. § 803 requires that:

*"If the search and examination of all the claims in an application can be made without serious burden, the examiner **must** examine them on the merits, even though they include claims to independent or distinct inventions"*

(Emphasis added). Here, the Office Action fails to even assert that any such burden exists.

Applicants respectfully submit that no such burden could or does exist. This application has already been the subject of one complete substantive examination, including claims from both groups. So, presumably, the claims have already been thoroughly searched once. Furthermore, Group II includes a SINGLE claim. The examination of this single claim . . . which as noted above has already been searched and examined once, cannot possibly constitute a "serious burden."

Accordingly, for at least these reasons, Applicants respectfully request that the Restriction Requirement be withdrawn.

**CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1, 2 and 4-21 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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